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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 GERARDO JAVIER ZARATE, and
14 GRISELDA NEGRETE ZARATE,

15 Defendant.

Case No.: 2:19-mj-00362-NJK

16 **STIPULATION TO CONTINUE**
17 **THE PRELIMINARY HEARING**
18 **(First Request)**

19 IT IS HEREBY STIPULATED AND AGREED, by and between NICHOLAS A.
20 TRUTANICH, United States Attorney, and ALLISON REESE, Assistant United States
21 Attorney, counsel for the United States of America, KATHRYN NEWMAN, Assistant Federal
22 Public Defender, counsel for Defendant GERARDO JAVIER ZARATE, and TODD
23 LEVENTHAL, counsel for Defendant GRISELDA NEGRETE ZARATE, that the preliminary
24 hearing date in the above-captioned matter, currently scheduled for May 31, 2019, at 4:00 pm,
be vacated and continued for thirty (30) days, to a date and time to be set by this Honorable
Court.

This stipulation is entered into for the following reasons:

1. The Government needs additional time to produce relevant discovery to Defense Counsel.
2. Defense Counsel needs additional time to review the discovery, conduct additional investigation, and confer with the Defendants about how they would like to proceed.
3. The parties agree to the continuance.
4. Defendant GERARDO ZARATE is out of custody and does not object to the continuance.
5. Defendant GRISELDA ZARATE is in ICE custody but does not object to the continuance.
6. Additionally, denial of this request for continuance could result in a miscarriage of justice.
7. The additional time requested herein is not sought for purposes of delay, but to allow for a potential pre-indictment resolution of the case.
8. The additional time requested by this stipulation, is allowed, with the defendants' consent under the Federal Rules of Procedure 5.1(d).
9. This is the first request for a continuation of the preliminary hearing.

DATED: May 29, 2019

Respectfully submitted,

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Allison Reese

KATHRYN NEWMAN, AFPD
Counsel for Gerardo Javier Zarate

/s/
TODD LEVENTHAL
Counsel for Griselda Negrete Zarate

ALLISON REESE
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

2:19-mj-00362-NJK

Plaintiff,

ORDER

VS.

GERARDO JAVIER ZARATE, and
GRISELDA NEGRETE ZARATE,

Defendant.

ORDER

10 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
11 Court finds that:

12 1. The Government needs additional time to produce relevant discovery to Defense Counsel.

13 2. Defense Counsel needs additional time to review the discovery, conduct additional

14 investigation, and confer with the Defendants about how they would like to proceed.

15 3. The parties agree to the continuance.

16 4. Defendant GERARDO ZARATE is not in custody and does not object to the

17 continuance.

18 5. Defendant GRISELDA ZARATE is in ICE custody but does not object to the

19 continuance.

20 6. Additionally, denial of this request for continuance could result in a miscarriage of justice.

21 7. The additional time requested herein is not sought for purposes of delay, but to allow for

22 a potential pre-indictment resolution of the case.

23 8. The additional time requested by this stipulation, is allowed, with the defendants' consent

24 under the Federal Rules of Procedure 5.1(d).

1 9. This is the first request for a continuation of the preliminary hearing.

2 For all of the above-stated reasons, the ends of justice would best be served by a
3 continuance of the preliminary hearing date.

4 **CONCLUSIONS OF LAW**

5 The ends of justice served by granting said continuance outweigh the best interest of the
6 public and the defendants, since the failure to grant said continuance would be likely to result in
7 a miscarriage of justice, would deny the parties herein to potentially resolve the case prior to
8 indictment, and further would deny the parties sufficient time and the opportunity within which
9 to be able to effectively and thoroughly prepare for the preliminary hearing, taking into account
10 the exercise of due diligence.

11 The continuance sought herein is allowed, with the defendants' consent, pursuant to
12 Federal Rules of Procedure 5.1(d).

13 **ORDER**

14 IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for
15 May 31, 2019, at the hour of 4:00 pm, be vacated and continued to July 9, 2019, at 4:00 p.m.,
16 in Courtroom 3A.

17 DATED 29th day of May, 2019.

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19 
20 THE HONORABLE NANCY J. KOPPE
21 UNITED STATES MAGISTRATE JUDGE
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